IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 30125 of 2007(S)

PETITIONER:

PRINCE THOMAS,
ROSE GARDENS,
F.B.O.A.ROAD, NEAR PRIVATE BUS STAND,
ALUVA, ERNAKULAM DIST.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF HIGHER EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR ENTRANCEEXAMINATION,
THIRUVANANTHAPURAM.

3. ADMISSION SUPERVISORY COMMITTEE
(FOR SELF FINANCING COLLEGES) REPRESENTED BY THE
MANAGER ADMISSION SUPERVISORY COMMITTEE
(JUSTICE P.A.MUHAMMED COMMITTEE)
OLD HIGH COURT BUILDING, ERNAKULAM.

4. KERALA PRIVATE MEDICAL COLLEGES MANAGEMENT ASSOCIATION
REPRESENTED BY THE SECRETARY
THIRUVANANTHAPURAM.

5. MAHATMA GANDHI UNIVERSITY,
KOTTAYAM, REPRESENTED BY THE REGISTRAR,
MAHATMA GANDHI UNIVERSITY, KOTTAYAM.

6. UNIVERSITY OF CALICUT,
REPRESENTED BY THE REGISTRAR,
UNIVERSITY OF CALICUT
THENHIPALAM, MALAPPURAM DIST.

7. AMALA INSTITUTE OF MEDICAL SCIENCES,
REPRESENTED BY THE PRINCIPAL,
AMALA INSTITUTE OF MEDICAL SCIENCES,
AMALAGIRI, THRISSUR.

8. JUBILEE MISSION MEDICAL COLLEGE & RESEARCH INSTITUTE,
   REPRESENTED BY THE PRINCIPAL,
   JUBILEE MISSION MEDICAL COLLEGE & RESEARCH INSTITUTE,
   THRISSUR.

9. MALANKARA ORTHODOX SYRIAN CHURCH MEDICAL COLLEGE,
   REPRESENTED BY THE PRINCIPAL,
   MALANKARA ORTHODOX SYRAIN CHURCH MEDICAL COLLEGE,
   KOLENCHERRY.

10. PUSHPAGIRI INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE,
    REPRESENTED BY THE PRINCIPAL,
    PUSHPAGIRI INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE,
    THIRUVALLA.

11. FEE REGULATORY COMMITTEE (FOR SELF FINANCING COLLEGES)
    REPRESENTED BY ITS MANAGER
    FEE REGULATORY COMMITTEE (FOR SELF FINANCING COLLEGES)
    OLD HIGH COURT BUILDING, ERNAKULAM.

BY SENIOR GOVERNMENT PLEADER SMT.K.MEERA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.P.(C) No. 30125 OF 2007

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Dated this the 11th October, 2007

J U D G M E N T

H.L. Dattu, C.J.:

A candidate seeking admission in the Professional Self Financing Colleges is before us in this Writ Petition. The petitioner seeks the following reliefs:

"i) Issue a writ of mandamus directing the respondents 1 to 3, 5 and 6 to ensure that admission to the MBBS Course in Respondents 7 to 10 Institutions is made strictly on the basis of the merit and as per the rank given in Exts. P1 and P2;

ii) Issue a writ of mandamus directing the respondents 1 to 3 to ensure that the select list for MBBS Course which is implemented by respondents No.4 and 4 to 10 and the select list submitted before the respondents 3,5 and 6 are one and the same;

iii) Issue a writ of mandamus directing the respondent No. 3 to conduct an enquiry into the manner in which the admissions are effected from Ext.P1 and P2 lists by respondent No.4 and in the colleges/institutes which are arrayed as respondents 7 to 10;

iv) Issue a writ of mandamus directing the 3rd respondent to look into Ext.P3 complaint and to take appropriate actions on the basis of the same, in accordance with law.

v) Declare that the petitioner is eligible to be admitted for the course of MBBS in the four institutes/Colleges which are

arrayed as Respondents 7 to 10;

vi) Issue such other orders, directions or writs as may be prayed for and that this Hon'ble Court may deem fit under the facts and circumstances of the case."

2. Even before approaching this Court, the petitioner has already filed a complaint before the Admission Supervisory Committee. That application is dated 3rd October, 2007. Without waiting for a decision from the Admission Supervisory Committee, the petitioner has rushed to this court. In our opinion, this Writ Petition filed by the petitioner is wholly premature. The petitioner should have allowed the Admission Supervisory Committee to look into the grievances made out by him in his complaint and to pass appropriate orders. Then only, in our opinion, a cause of action would arise for the petitioner to approach this Court for the reliefs indicated by us earlier.

3. Therefore, for the present, we reject this Writ Petition. However, liberty is reserved to the petitioner to approach this Court, if need arises in future, with appropriate petition.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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